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UNITED STATES COURT OF APPEALS
 FOR THE THIRD CIRCUIT
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Middle Dist. - Harrisburgh Clerk of District Court
(District)

Date 12/26/01

Bergstresser vs. Shannon
(Caption)

C. of A. No. 01-1356

Dean E. Bergstresser
(Appellant)

00-cv-01713
(D.C. No.)

Marg J. Imse,

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HARRISBURG, PA

Enclosures:

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12/26/01 Certified copy of C. of A. Order by the Court/Clerk
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May 2, 2001
1131
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CPS-51

December 6, 2001

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 01-1356

DEAN E. BERGSTRESSER

v.

ROBERT SHANNON, Superintendent, et al.

(M.D. Pa. Civ. No. 00-cv-01713)

Present: SCIRICA, AMBRO and STAPLETON, Circuit Judges

Submitted are

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
- (2) Appellee's response

in the above-captioned case.

Respectfully,

Clerk

MMW/SR

ORDER

The foregoing request for a certificate of appealability is denied because, for essentially the same reasons as those given by the District Court, we find that the appellant has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

A True Copy:

By the Court,

Marcia M. Waldron
Marcia M. Waldron,
Clerk

A. S. S.

Circuit Judge

DATED: December 26, 2001

lwc/cc : Peter Goldberger, Esq.
Jeffrey E. Leber, Esq.